

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION**

MARIA GUADALUPE AGUILAR  
MENDOZA,

Plaintiff,

vs.

MOISES MEDINA SILVA,

Defendant.

No. C 13-4108-MWB

**ORDER REGARDING PLAINTIFF'S  
APPLICATION TO PROCEED *IN*  
*FORM PAUPERIS* AND MOTION TO  
FILE DOCUMENTS UNDER SEAL**

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This case is before me on the plaintiff's November 7, 2013, Application To Proceed Without Prepayment Of Fees And Affidavit (docket no. 2). It is also before me on the plaintiff's November 7, 2013, Motion To File Documents Under Seal (docket no. 4), pertaining to exhibits referred to in the plaintiff's Verified Complaint And Petition For Return Of Children.

Determining whether an applicant, either a prisoner or a non-prisoner, is sufficiently impoverished to qualify to proceed *in forma pauperis* under 28 U.S.C. § 1915 is committed to the court's discretion. *Cross v. General Motors Corp.*, 721 F.2d 1152, 1157 (8th Cir. 1983). "In forma pauperis status does not require a litigant to demonstrate absolute destitution." *Lee v. McDonald's Corp.*, 231 F.3d 456, 459 (8th Cir. 2000). Here, I have reviewed the plaintiff's Application and find that, while she has some assets and income, they are sufficiently limited that she is unable to pay the fees associated with the filing of this action. *See* 28 U.S.C. § 1915(a)(1). She will be granted leave to file her Verified Complaint *in forma pauperis*.

In her Motion To File Documents Under Seal, the plaintiff asserts that the exhibits referred to in her Verified Complaint contain extensive confidential information

regarding the parties and their children that should not be made part of the public court file. I agree.

THEREFORE,

1. The plaintiff's November 7, 2013, Application To Proceed Without Prepayment Of Fees And Affidavit (docket no. 2) is **granted**.

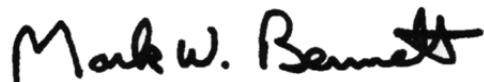
a. The Clerk of Court shall file the plaintiff's Verified Complaint And Petition For Return Of Children without prepayment of fees;

b. The officers of the court shall issue and serve all process, and perform all duties in this case. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases. *See* 28 U.S.C. § 1915(d).

2. The plaintiff's November 7, 2013, Motion To File Documents Under Seal (docket no. 4) is **granted**. The Clerk of Court shall file the exhibits referred to in the plaintiff's Verified Complaint as *sealed attachments* to the Verified Complaint.

**IT IS SO ORDERED.**

**DATED** this 7th day of November, 2013.



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MARK W. BENNETT  
U.S. DISTRICT COURT JUDGE  
NORTHERN DISTRICT OF IOWA